

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5740

64th Legislature
2015 Regular Session

Passed by the Senate April 16, 2015
Yeas 43 Nays 2

President of the Senate

Passed by the House April 14, 2015
Yeas 88 Nays 9

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5740** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5740

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Senate Ways & Means (originally sponsored by Senators Fain, Billig, Litzow, McAuliffe, Frockt, Miloscia, Darneille, and Jayapal)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to extended foster care services; amending RCW
2 13.34.267 and 74.13.031; reenacting and amending RCW 74.13.020;
3 adding a new section to chapter 74.13 RCW; creating a new section;
4 and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 13.34.267 and 2014 c 122 s 1 are each amended to
7 read as follows:

8 (1) In order to facilitate the delivery of extended foster care
9 services, the court, upon the agreement of the youth to participate
10 in the extended foster care program, shall maintain the dependency
11 proceeding for any youth who is dependent in foster care at the age
12 of eighteen years and who, at the time of his or her eighteenth
13 birthday, is:

14 (a) Enrolled in a secondary education program or a secondary
15 education equivalency program;

16 (b) Enrolled and participating in a postsecondary academic or
17 postsecondary vocational program, or has applied for and can
18 demonstrate that he or she intends to timely enroll in a
19 postsecondary academic or postsecondary vocational program;

20 (c) Participating in a program or activity designed to promote
21 employment or remove barriers to employment; ((~~or~~))

1 (d) (~~Within amounts appropriated specifically for this~~
2 ~~purpose,~~) Engaged in employment for eighty hours or more per month;
3 or

4 (e) Not able to engage in any of the activities described in (a)
5 through (d) of this subsection due to a documented medical condition.

6 (2) If the court maintains the dependency proceeding of a youth
7 pursuant to subsection (1) of this section, the youth is eligible to
8 receive extended foster care services pursuant to RCW 74.13.031,
9 subject to the youth's continuing eligibility and agreement to
10 participate.

11 (3) A dependent youth receiving extended foster care services is
12 a party to the dependency proceeding. The youth's parent or guardian
13 must be dismissed from the dependency proceeding when the youth
14 reaches the age of eighteen.

15 (4) The court shall dismiss the dependency proceeding for any
16 youth who is a dependent in foster care and who, at the age of
17 eighteen years, does not meet any of the criteria described in
18 subsection (1)(a) through (~~(d)~~) (e) of this section or does not
19 agree to participate in the program.

20 (5) The court shall order a youth participating in extended
21 foster care services to be under the placement and care authority of
22 the department, subject to the youth's continuing agreement to
23 participate in extended foster care services. The department may
24 establish foster care rates appropriate to the needs of the youth
25 participating in extended foster care services. The department's
26 placement and care authority over a youth receiving extended foster
27 care services is solely for the purpose of providing services and
28 does not create a legal responsibility for the actions of the youth
29 receiving extended foster care services.

30 (6) The court shall appoint counsel to represent a youth, as
31 defined in RCW 13.34.030(2)(b), in dependency proceedings under this
32 section.

33 (7) The case plan for and delivery of services to a youth
34 receiving extended foster care services is subject to the review
35 requirements set forth in RCW 13.34.138 and 13.34.145, and should be
36 applied in a developmentally appropriate manner, as they relate to
37 youth age eighteen to twenty-one years. Additionally, the court shall
38 consider:

39 (a) Whether the youth is safe in his or her placement;

1 (b) Whether the youth continues to be eligible for extended
2 foster care services;

3 (c) Whether the current placement is developmentally appropriate
4 for the youth;

5 (d) The youth's development of independent living skills; and

6 (e) The youth's overall progress toward transitioning to full
7 independence and the projected date for achieving such transition.

8 (8) Prior to the review hearing, the youth's attorney shall
9 indicate whether there are any contested issues and may provide
10 additional information necessary for the court's review.

11 **Sec. 2.** RCW 74.13.020 and 2013 c 332 s 8 and 2013 c 162 s 5 are
12 each reenacted and amended to read as follows:

13 For purposes of this chapter:

14 (1) "Case management" means convening family meetings,
15 developing, revising, and monitoring implementation of any case plan
16 or individual service and safety plan, coordinating and monitoring
17 services needed by the child and family, caseworker-child visits,
18 family visits, and the assumption of court-related duties, excluding
19 legal representation, including preparing court reports, attending
20 judicial hearings and permanency hearings, and ensuring that the
21 child is progressing toward permanency within state and federal
22 mandates, including the Indian child welfare act.

23 (2) "Child" means:

24 (a) A person less than eighteen years of age; or

25 (b) A person age eighteen to twenty-one years who is eligible to
26 receive the extended foster care services authorized under RCW
27 74.13.031.

28 (3) "Child protective services" has the same meaning as in RCW
29 26.44.020.

30 (4) "Child welfare services" means social services including
31 voluntary and in-home services, out-of-home care, case management,
32 and adoption services which strengthen, supplement, or substitute
33 for, parental care and supervision for the purpose of:

34 (a) Preventing or remedying, or assisting in the solution of
35 problems which may result in families in conflict, or the neglect,
36 abuse, exploitation, or criminal behavior of children;

37 (b) Protecting and caring for dependent, abused, or neglected
38 children;

1 (c) Assisting children who are in conflict with their parents,
2 and assisting parents who are in conflict with their children, with
3 services designed to resolve such conflicts;

4 (d) Protecting and promoting the welfare of children, including
5 the strengthening of their own homes where possible, or, where
6 needed;

7 (e) Providing adequate care of children away from their homes in
8 foster family homes or day care or other child care agencies or
9 facilities.

10 "Child welfare services" does not include child protection
11 services.

12 (5) "Committee" means the child welfare transformation design
13 committee.

14 (6) "Department" means the department of social and health
15 services.

16 (7) "Extended foster care services" means residential and other
17 support services the department is authorized to provide to foster
18 children. These services include, but are not limited to, placement
19 in licensed, relative, or otherwise approved care, or supervised
20 independent living settings; assistance in meeting basic needs;
21 independent living services; medical assistance; and counseling or
22 treatment.

23 (8) "Family assessment" means a comprehensive assessment of child
24 safety, risk of subsequent child abuse or neglect, and family
25 strengths and needs that is applied to a child abuse or neglect
26 report. Family assessment does not include a determination as to
27 whether child abuse or neglect occurred, but does determine the need
28 for services to address the safety of the child and the risk of
29 subsequent maltreatment.

30 (9) "Measurable effects" means a statistically significant change
31 which occurs as a result of the service or services a supervising
32 agency is assigned in a performance-based contract, in time periods
33 established in the contract.

34 (10) "Medical condition" means, for the purposes of qualifying
35 for extended foster care services, a physical or mental health
36 condition as documented by any licensed health care provider
37 regulated by a disciplining authority under RCW 18.130.040.

38 (11) "Nonminor dependent" means any individual age eighteen to
39 twenty-one years who is participating in extended foster care
40 services authorized under RCW 74.13.031.

1 ~~((11))~~ (12) "Out-of-home care services" means services provided
2 after the shelter care hearing to or for children in out-of-home
3 care, as that term is defined in RCW 13.34.030, and their families,
4 including the recruitment, training, and management of foster
5 parents, the recruitment of adoptive families, and the facilitation
6 of the adoption process, family reunification, independent living,
7 emergency shelter, residential group care, and foster care, including
8 relative placement.

9 ~~((12))~~ (13) "Performance-based contracting" means the
10 structuring of all aspects of the procurement of services around the
11 purpose of the work to be performed and the desired results with the
12 contract requirements set forth in clear, specific, and objective
13 terms with measurable outcomes. Contracts shall also include
14 provisions that link the performance of the contractor to the level
15 and timing of reimbursement.

16 ~~((13))~~ (14) "Permanency services" means long-term services
17 provided to secure a child's safety, permanency, and well-being,
18 including foster care services, family reunification services,
19 adoption services, and preparation for independent living services.

20 ~~((14))~~ (15) "Primary prevention services" means services which
21 are designed and delivered for the primary purpose of enhancing child
22 and family well-being and are shown, by analysis of outcomes, to
23 reduce the risk to the likelihood of the initial need for child
24 welfare services.

25 ~~((15))~~ (16) "Supervised independent living" includes, but is
26 not limited to, apartment living, room and board arrangements,
27 college or university dormitories, and shared roommate settings.
28 Supervised independent living settings must be approved by the
29 children's administration or the court.

30 ~~((16))~~ (17) "Supervising agency" means an agency licensed by
31 the state under RCW 74.15.090, or licensed by a federally recognized
32 Indian tribe located in this state under RCW 74.15.190, that has
33 entered into a performance-based contract with the department to
34 provide case management for the delivery and documentation of child
35 welfare services, as defined in this section. This definition is
36 applicable on or after December 30, 2015.

37 ~~((17))~~ (18) "Unsupervised" has the same meaning as in RCW
38 43.43.830.

39 ~~((18))~~ (19) "Voluntary placement agreement" means, for the
40 purposes of extended foster care services, a written voluntary

1 agreement between a nonminor dependent who agrees to submit to the
2 care and authority of the department for the purposes of
3 participating in the extended foster care program.

4 **Sec. 3.** RCW 74.13.031 and 2014 c 122 s 2 are each amended to
5 read as follows:

6 (1) The department and supervising agencies shall develop,
7 administer, supervise, and monitor a coordinated and comprehensive
8 plan that establishes, aids, and strengthens services for the
9 protection and care of runaway, dependent, or neglected children.

10 (2) Within available resources, the department and supervising
11 agencies shall recruit an adequate number of prospective adoptive and
12 foster homes, both regular and specialized, i.e. homes for children
13 of ethnic minority, including Indian homes for Indian children,
14 sibling groups, handicapped and emotionally disturbed, teens,
15 pregnant and parenting teens, and the department shall annually
16 report to the governor and the legislature concerning the
17 department's and supervising agency's success in: (a) Meeting the
18 need for adoptive and foster home placements; (b) reducing the foster
19 parent turnover rate; (c) completing home studies for legally free
20 children; and (d) implementing and operating the passport program
21 required by RCW 74.13.285. The report shall include a section
22 entitled "Foster Home Turn-Over, Causes and Recommendations."

23 (3) The department shall investigate complaints of any recent act
24 or failure to act on the part of a parent or caretaker that results
25 in death, serious physical or emotional harm, or sexual abuse or
26 exploitation, or that presents an imminent risk of serious harm, and
27 on the basis of the findings of such investigation, offer child
28 welfare services in relation to the problem to such parents, legal
29 custodians, or persons serving in loco parentis, and/or bring the
30 situation to the attention of an appropriate court, or another
31 community agency. An investigation is not required of nonaccidental
32 injuries which are clearly not the result of a lack of care or
33 supervision by the child's parents, legal custodians, or persons
34 serving in loco parentis. If the investigation reveals that a crime
35 against a child may have been committed, the department shall notify
36 the appropriate law enforcement agency.

37 (4) As provided in RCW 26.44.030(11), the department may respond
38 to a report of child abuse or neglect by using the family assessment
39 response.

1 (5) The department or supervising agencies shall offer, on a
2 voluntary basis, family reconciliation services to families who are
3 in conflict.

4 (6) The department or supervising agencies shall monitor
5 placements of children in out-of-home care and in-home dependencies
6 to assure the safety, well-being, and quality of care being provided
7 is within the scope of the intent of the legislature as defined in
8 RCW 74.13.010 and 74.15.010. Under this section children in out-of-
9 home care and in-home dependencies and their caregivers shall receive
10 a private and individual face-to-face visit each month. The
11 department and the supervising agencies shall randomly select no less
12 than ten percent of the caregivers currently providing care to
13 receive one unannounced face-to-face visit in the caregiver's home
14 per year. No caregiver will receive an unannounced visit through the
15 random selection process for two consecutive years. If the caseworker
16 makes a good faith effort to conduct the unannounced visit to a
17 caregiver and is unable to do so, that month's visit to that
18 caregiver need not be unannounced. The department and supervising
19 agencies are encouraged to group monthly visits to caregivers by
20 geographic area so that in the event an unannounced visit cannot be
21 completed, the caseworker may complete other required monthly visits.
22 The department shall use a method of random selection that does not
23 cause a fiscal impact to the department.

24 The department or supervising agencies shall conduct the monthly
25 visits with children and caregivers to whom it is providing child
26 welfare services.

27 (7) The department and supervising agencies shall have authority
28 to accept custody of children from parents and to accept custody of
29 children from juvenile courts, where authorized to do so under law,
30 to provide child welfare services including placement for adoption,
31 to provide for the routine and necessary medical, dental, and mental
32 health care, or necessary emergency care of the children, and to
33 provide for the physical care of such children and make payment of
34 maintenance costs if needed. Except where required by Public Law
35 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which
36 receives children for adoption from the department shall discriminate
37 on the basis of race, creed, or color when considering applications
38 in their placement for adoption.

1 (8) The department and supervising agency shall have authority to
2 provide temporary shelter to children who have run away from home and
3 who are admitted to crisis residential centers.

4 (9) The department and supervising agency shall have authority to
5 purchase care for children.

6 (10) The department shall establish a children's services
7 advisory committee with sufficient members representing supervising
8 agencies which shall assist the secretary in the development of a
9 partnership plan for utilizing resources of the public and private
10 sectors, and advise on all matters pertaining to child welfare,
11 licensing of child care agencies, adoption, and services related
12 thereto. At least one member shall represent the adoption community.

13 (11)(a) The department and supervising agencies shall provide
14 continued extended foster care services to nonminor dependents who
15 are:

16 (i) Enrolled in a secondary education program or a secondary
17 education equivalency program;

18 (ii) Enrolled and participating in a postsecondary academic or
19 postsecondary vocational education program;

20 (iii) Participating in a program or activity designed to promote
21 employment or remove barriers to employment; (~~(e)~~)

22 (iv) (~~(Within amounts appropriated specifically for this~~
23 ~~purpose,)~~) Engaged in employment for eighty hours or more per month;
24 or

25 (v) Not able to engage in any of the activities described in
26 (a)(i) through (iv) of this subsection due to a documented medical
27 condition.

28 (b) To be eligible for extended foster care services, the
29 nonminor dependent must have been dependent and in foster care at the
30 time that he or she reached age eighteen years. If the dependency
31 case of the nonminor dependent was dismissed pursuant to RCW
32 13.34.267, he or she may receive extended foster care services
33 pursuant to a voluntary placement agreement under RCW 74.13.336 or
34 pursuant to an order of dependency issued by the court under RCW
35 13.34.268. A nonminor dependent whose dependency case was dismissed
36 by the court must have requested extended foster care services before
37 reaching age nineteen years.

38 (c) The department shall develop and implement rules regarding
39 youth eligibility requirements.

1 (d) The department shall make efforts to ensure that extended
2 foster care services maximize medicaid reimbursements. This must
3 include the department ensuring that health and mental health
4 extended foster care providers participate in medicaid, unless the
5 condition of the extended foster care youth requires specialty care
6 that is not available among participating medicaid providers or there
7 are no participating medicaid providers in the area. The department
8 shall coordinate other services to maximize federal resources and the
9 most cost-efficient delivery of services to extended foster care
10 youth.

11 (12) The department shall have authority to provide adoption
12 support benefits, or relative guardianship subsidies on behalf of
13 youth ages eighteen to twenty-one years who achieved permanency
14 through adoption or a relative guardianship at age sixteen or older
15 and who meet the criteria described in subsection (11) of this
16 section.

17 (13) The department shall refer cases to the division of child
18 support whenever state or federal funds are expended for the care and
19 maintenance of a child, including a child with a developmental
20 disability who is placed as a result of an action under chapter 13.34
21 RCW, unless the department finds that there is good cause not to
22 pursue collection of child support against the parent or parents of
23 the child. Cases involving individuals age eighteen through twenty
24 shall not be referred to the division of child support unless
25 required by federal law.

26 (14) The department and supervising agencies shall have authority
27 within funds appropriated for foster care services to purchase care
28 for Indian children who are in the custody of a federally recognized
29 Indian tribe or tribally licensed child-placing agency pursuant to
30 parental consent, tribal court order, or state juvenile court order.
31 The purchase of such care is exempt from the requirements of chapter
32 74.13B RCW and may be purchased from the federally recognized Indian
33 tribe or tribally licensed child-placing agency, and shall be subject
34 to the same eligibility standards and rates of support applicable to
35 other children for whom the department purchases care.

36 Notwithstanding any other provision of RCW 13.32A.170 through
37 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
38 services to be provided by the department under subsections (4), (7),
39 and (8) of this section, subject to the limitations of these
40 subsections, may be provided by any program offering such services

1 funded pursuant to Titles II and III of the federal juvenile justice
2 and delinquency prevention act of 1974.

3 (15) Within amounts appropriated for this specific purpose, the
4 supervising agency or department shall provide preventive services to
5 families with children that prevent or shorten the duration of an
6 out-of-home placement.

7 (16) The department and supervising agencies shall have authority
8 to provide independent living services to youths, including
9 individuals who have attained eighteen years of age, and have not
10 attained twenty-one years of age who are or have been in foster care.

11 (17) The department and supervising agencies shall consult at
12 least quarterly with foster parents, including members of the foster
13 parent association of Washington state, for the purpose of receiving
14 information and comment regarding how the department and supervising
15 agencies are performing the duties and meeting the obligations
16 specified in this section and RCW 74.13.250 and 74.13.320 regarding
17 the recruitment of foster homes, reducing foster parent turnover
18 rates, providing effective training for foster parents, and
19 administering a coordinated and comprehensive plan that strengthens
20 services for the protection of children. Consultation shall occur at
21 the regional and statewide levels.

22 (18)(a) The department shall, within current funding levels,
23 place on its public web site a document listing the duties and
24 responsibilities the department has to a child subject to a
25 dependency petition including, but not limited to, the following:

26 (i) Reasonable efforts, including the provision of services,
27 toward reunification of the child with his or her family;

28 (ii) Sibling visits subject to the restrictions in RCW
29 13.34.136(2)(b)(ii);

30 (iii) Parent-child visits;

31 (iv) Statutory preference for placement with a relative or other
32 suitable person, if appropriate; and

33 (v) Statutory preference for an out-of-home placement that allows
34 the child to remain in the same school or school district, if
35 practical and in the child's best interests.

36 (b) The document must be prepared in conjunction with a
37 community-based organization and must be updated as needed.

38 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13
39 RCW to read as follows:

1 With respect to youth who will be aging out of foster care, the
2 children's administration shall invite representatives from the
3 division of behavioral health and recovery, the disability services
4 administration, the economic services administration, and the
5 juvenile justice and rehabilitation administration to the youth's
6 shared planning meeting that occurs between age seventeen and
7 seventeen and one-half that is used to develop a transition plan. It
8 is the responsibility of the children's administration to include
9 these agencies in the shared planning meeting. If foster youth who
10 are the subject of this meeting may qualify for developmental
11 disability services pursuant to Title 71A RCW, the children's
12 administration shall direct these youth to apply for these services
13 and provide assistance in the application process.

14 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
15 this act, referencing this act by bill or chapter number, is not
16 provided by June 30, 2015, in the omnibus appropriations act, this
17 act is null and void.

18 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2016.

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